

EXHIBIT 1

Ognjen Milanovic

March 15, 2023

Page 1	Page 3
<p>IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA</p> <p>RANDY LUNDY,)) Plaintiff,)) vs.) NO. CIV-22-699-F) HL MOTOR GROUP, INC.,) HIGHLIGHT MOTOR FREIGHT USA,) INC., OLD REPUBLIC INSURANCE) COMPANY, AND) OGNJEN MILANOVIC,)) Defendants.))) FARMERS MUTUAL FIRE) INSURANCE COMPANY OF OKARCHE,)) Plaintiff,)) vs.) NO. CIV-22-752-F) HL MOTOR GROUP, INC., AND) OGNJEN MILANOVIC,)) Defendants.)))</p> <p>VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF OGNJEN MILANOVIC LOCATED IN BELGRADE, SERBIA TAKEN ON BEHALF OF THE PLAINTIFFS ON MARCH 15, 2023 REPORTED BY: JANA C. HAZELBAKER, CSR</p>	<p>1 CONTENTS</p> <p>2 Page</p> <p>3 Index of Exhibits 4</p> <p>4 Stipulations 5</p> <p>5 Direct Examination by Mr. Pignato 6</p> <p>6 Direct Examination by Mr. Stewart 75</p> <p>7 Reporter's Certificate 127</p> <p>8 *****</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 2	Page 4
<p>1 APPEARANCES</p> <p>2 (All parties are appearing via videoconference.)</p> <p>3</p> <p>4 For the Plaintiff, Gerard F. Pignato</p> <p>5 Farmers Mutual Fire Ryan Whaley</p> <p>6 Insurance Company 400 North Walnut</p> <p>7 of Okarche: Oklahoma City, OK 73104</p> <p>8 (405)239-6040</p> <p>9 jerry@ryanwhaley.com</p> <p>10</p> <p>11 For the Defendants, Michael T. Franz</p> <p>12 HL Motor Group, Lewis Brisbois</p> <p>13 Ognjen Milanovic, Bisgaard & Smith</p> <p>14 and Old Republic 550 West Adams Street</p> <p>15 Insurance Company: Suite 300</p> <p>16 Chicago, IL 60661</p> <p>17 (312)463-3329</p> <p>18 michael.franz@</p> <p>19 lewisbrisbois.com</p> <p>20</p> <p>21 For the Plaintiff, Rodney Stewart</p> <p>22 Randy Lundy: Stewart Law Firm</p> <p>23 801 N.W. 63rd Street</p> <p>24 Suite 100</p> <p>25 Oklahoma City, OK 73116</p> <p>(405)601-6060</p> <p>rstewart@rstewartlaw.com</p> <p>Videographer: Bruce Rodgers</p> <p>Also Present: Joanne Butterworth</p> <p>Legal assistant</p> <p>Gerald Knecht</p>	<p>1 INDEX OF EXHIBITS</p> <p>2 Page</p> <p>3 Exhibit Number 1 (Driver logs) 38</p> <p>4 Exhibit Number 2 (Photo, Farmers Mutual 0377) 56</p> <p>5 Exhibit Number 3 (Photo, Farmers Mutual 0374) 57</p> <p>6 Exhibit Number 4 (Photo, Farmers Mutual 0378) 58</p> <p>7 Exhibit Number 5 (Photo, Farmers Mutual 0375) 58</p> <p>8 Exhibit Number 6 (Photo, Farmers Mutual 0376) 59</p> <p>9 Exhibit Number 7 (Photo, Farmers Mutual 0379) 59</p> <p>10 Exhibit Number 8 (Photo, Farmers Mutual 0380) 60</p> <p>11 Exhibit Number 9 (Photo, Farmers Mutual 0382) 60</p> <p>12 Exhibit Number 10 (Photo, Farmers Mutual 0383) 61</p> <p>13 Exhibit Number 11 (Photo, Farmers Mutual 0384) 61</p> <p>14 Exhibit Number 12 (Photo, Farmers Mutual 0385) 61</p> <p>15 Exhibit Number 13 (Google Maps aerial photo) 62</p> <p>16 Exhibit Number 14 (Accident Report, Farmers</p> <p>Mutual 0333 through 0339) 64</p> <p>17 *****</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

1 (Pages 1 to 4)

Ognjen Milanovic

March 15, 2023

<p style="text-align: right;">Page 65</p> <p>1 three lines from the bottom in the far right where it 2 says "Unit 1." Let me know when you're -- I can't 3 see because his face is -- 4 A I'm there. 5 Q You're there. You see where it says 6 "Unit 1 driver states." Do you see that? 7 "Unit driver states that he did not recall 8 events prior to the collision and that he has no 9 medical condition that should have caused 10 unconsciousness." 11 Did I -- did I read that correctly? 12 A Sorry, a few -- a few places here. 13 Q Take your time. 14 A Yeah. 15 Q So here -- here's my question, then. 16 A Go ahead. 17 Q You just didn't recall any of the events 18 prior to the collision? 19 A No. 20 Q Do you know why you left the roadway? 21 A No. 22 Q Did you fall asleep? 23 A I -- no, I don't think so, as it was still 24 day. So what they told me is that I had lost 25 consciousness.</p>	<p style="text-align: right;">Page 67</p> <p>1 answer after you've just told him how to answer? 2 MR. FRANZ: I have not told him how to 3 answer. Counsel, just proceed with your deposition. 4 MR. PIGNATO: You're running a tab, 5 Counsel. 6 Q (By Mr. Pignato) Mr. Milanovic -- 7 A Yes. 8 Q -- is it possible you fell asleep? 9 A I do not think so as there's strips that if 10 you fall asleep they -- they wake you. 11 In my opinion, no, I do not think so. 12 Q If you fall asleep, who wakes you? 13 A The strips on the road. They make a very 14 loud sound. 15 Q How heavy was your vehicle at the time of 16 this accident? 17 A I couldn't tell you. I don't recall. 18 Q Do you recall what you were hauling? 19 A No. 20 Q You don't recall the weight of the cargo? 21 A No. Every day it's different, so I would 22 not know, sir. 23 Q You told the officer that you were not 24 aware of any medical condition that have -- could 25 have caused or should have caused your</p>
<p style="text-align: right;">Page 66</p> <p>1 Q Well, you lost consciousness after the 2 impact with the homes, didn't you? 3 A How would I remember when that would have 4 happened? 5 Q You don't know when you lost consciousness, 6 do you? 7 A No. 8 Q You could have lost consciousness after you 9 made impact with the houses, couldn't you? 10 A Again, I -- I -- I have no idea when that 11 was. All I know is I have no recollection of any of 12 that. 13 Q You could have gone to sleep at the wheel. 14 True statement? 15 A Say that again, please. 16 Q It is possible you -- 17 MR. FRANZ: Objection; calls for 18 speculation. 19 MR. PIGNATO: There's another objection. 20 MR. FRANZ: I'll let him answer. 21 MR. PIGNATO: No, no, no, no. That's not a 22 form objection. 23 MR. FRANZ: Calls for speculation. I'm 24 instructing the witness to answer. 25 MR. PIGNATO: You're instructing him to</p>	<p style="text-align: right;">Page 68</p> <p>1 unconsciousness. 2 Do you recall saying that? 3 A That's correct. I don't recall anything 4 at -- at the scene. All I remember is at the 5 hospital. When he came up to me, that's what I 6 remember towards me leaving, but other than that, I 7 don't remember any conversation I had with him. 8 Q You're not aware of any medical condition 9 that you had that would have caused you to become 10 unconscious while driving, are you? 11 A No. 12 Q Prior to this accident, you had not 13 previously ever suffered any unconsciousness, have 14 you? 15 A No. 16 Q You weren't previously involved in any 17 vehicular accidents, including trucks and autos, 18 where you lost consciousness, were you? 19 A No. No. 20 Q And you didn't have any medical conditions 21 prior to this accident that caused you to lose 22 consciousness, correct? 23 A No. 24 Q Now let's talk about since this accident. 25 Have you seen any doctors or healthcare</p>

17 (Pages 65 to 68)

Ognjen Milanovic

March 15, 2023

<p style="text-align: right;">Page 73</p> <p>1 Q So you believe it was the hospital doctors</p> <p>2 and staff who told you you had to leave?</p> <p>3 A It was -- they did everything that they did</p> <p>4 and they gave me some new clothes and that was it.</p> <p>5 Q Have you had -- experienced --</p> <p>6 A I --</p> <p>7 Q Go ahead. I'm sorry.</p> <p>8 A No, that's it.</p> <p>9 Q Have you experienced a similar medical</p> <p>10 event or episode since the day of this accident?</p> <p>11 A No.</p> <p>12 Q Is it accurate, then, to say the one and</p> <p>13 only time in your life that you may have lost</p> <p>14 consciousness was on August 8, 2020, when you left</p> <p>15 the roadway?</p> <p>16 A Yeah.</p> <p>17 Q And you recognize, don't you, that it's</p> <p>18 possible that you drifted off to sleep prior to</p> <p>19 leaving the roadway, don't you?</p> <p>20 A I don't think that was the case, no.</p> <p>21 Q Have you seen any medical physician or</p> <p>22 professional since August 8, 2020, who has indicated</p> <p>23 to you that you suffered a medical event or episode</p> <p>24 causing you to leave the roadway?</p> <p>25 A Say that again, please.</p>	<p style="text-align: right;">Page 75</p> <p>1 other doctors or healthcare providers about the</p> <p>2 possibility that you may have suffered or gone</p> <p>3 unconscious for a period of time on August 8, 2020.</p> <p>4 Is that a true statement?</p> <p>5 A Say that again, please.</p> <p>6 Q The reason you haven't -- hold on.</p> <p>7 MR. PIGNATO: Tell you what, I'm ready to</p> <p>8 pass the witness.</p> <p>9 Rodney, go ahead.</p> <p>10 MR. FRANZ: Hold on. Mr. Milanovic, do you</p> <p>11 need a break at all?</p> <p>12 THE WITNESS: Can I have a five-minute one?</p> <p>13 MR. PIGNATO: Sure.</p> <p>14 MR. FRANZ: Yeah, sure. Of course.</p> <p>15 MR. STEWART: Certainly.</p> <p>16 THE WITNESS: Okay. Thank you.</p> <p>17 (Recess taken from 3:14 p.m. to 3:19 p.m.)</p> <p>18 DIRECT EXAMINATION</p> <p>19 BY MR. STEWART:</p> <p>20 Q Mr. Milanovic, my name is Rodney Stewart.</p> <p>21 I represent a fellow by the name of Randy Lundy.</p> <p>22 Mr. Pignato showed you some pictures earlier of some</p> <p>23 damaged homes, and I'll tell you that Mr. Lundy owned</p> <p>24 one of those homes there.</p> <p>25 A Okay.</p>
<p style="text-align: right;">Page 74</p> <p>1 Q Has any doctor told you, after August 8,</p> <p>2 2020, that you suffered some medical episode that</p> <p>3 caused you to lose consciousness?</p> <p>4 A I think -- I think that I -- the last one</p> <p>5 told me that it -- it could have been due to fatigue</p> <p>6 and to dehydration or something; that it -- that</p> <p>7 there was too many variables for them to pinpoint why</p> <p>8 it happened.</p> <p>9 Q Who told you that?</p> <p>10 A But they told -- some doctor. I can't</p> <p>11 recall.</p> <p>12 Q Is it a doctor that you saw after August 8,</p> <p>13 2020?</p> <p>14 A I don't recall. I think the one at the</p> <p>15 hospital told me it was sudden loss of consciousness.</p> <p>16 Q Have you seen any doctors since August 2020</p> <p>17 for the purpose of trying to find out why you lost</p> <p>18 consciousness on August 8, 2020?</p> <p>19 A I don't think so.</p> <p>20 Q In other words, in my effort to get all</p> <p>21 your medical records I have obtained medical records</p> <p>22 for August 8, 2020, the date of this accident.</p> <p>23 You're not aware of any other medical records?</p> <p>24 A No, I don't think so.</p> <p>25 Q And that's because you haven't seen any</p>	<p style="text-align: right;">Page 76</p> <p>1 Q So I'm going second here, so that's good</p> <p>2 and bad. There's a lot of questions that I might</p> <p>3 have that Mr. Pignato has already asked. At the same</p> <p>4 time, I might repeat some of his questions and I</p> <p>5 apologize for that. Okay?</p> <p>6 A That's fine. Just go ahead.</p> <p>7 Q All right. Let me start with your height</p> <p>8 and weight.</p> <p>9 A 5'10", 5'9". Let's say 160, 170 pounds.</p> <p>10 Q Earlier you were talking about the things</p> <p>11 you do to kind of stay in shape and stay active. You</p> <p>12 mentioned swimming and -- and tennis when -- when</p> <p>13 weather permits on the tennis and soccer.</p> <p>14 What else do you do? Do you -- do you go</p> <p>15 to a gym? Do you work out?</p> <p>16 A No. I don't go to a gym, but I try to stay</p> <p>17 active. A bit of hiking, you know. I would say I'm</p> <p>18 fit.</p> <p>19 Q And you look fit. In staying fit and any</p> <p>20 exercise that you've done over the years, have you</p> <p>21 ever experienced any difficulty with exercise, such</p> <p>22 as being lightheaded or dizzy?</p> <p>23 A No. No.</p> <p>24 Q Have -- have you ever, while exercising,</p> <p>25 seen spots or stars while you were exercising?</p>

19 (Pages 73 to 76)

Ognjen Milanovic

March 15, 2023

<p style="text-align: right;">Page 109</p> <p>1 A It's -- Woodbridge would be by the border, 2 so I guess heading down south.</p> <p>3 Q So you think this was part of that same 4 journey from Ontario to your des- -- ultimate 5 destination?</p> <p>6 A Yeah, could have been. Sounds like it.</p> <p>7 Q And then the day before the accident, 8 August 7th, it shows you beginning your journey that 9 day at Brights Grove, Ontario, and traveling all the 10 way to Fancy Creek, Illinois, a total of nine hours 11 and 55 minutes of drive time and 509 miles.</p> <p>12 Does that sound right?</p> <p>13 A Sounds like a typical day, yes.</p> <p>14 Q Okay. All right.</p> <p>15 A Yep. Yeah, it sounds like a typical day.</p> <p>16 Q So I'm not sure what's going on with the 17 screen. It looks like maybe the shared screen is 18 off, but there's a big black spot in the middle. Or 19 is that Mr. Milanovic's phone? Is it -- has it gone 20 dark?</p> <p>21 There we go. All right. Thank you.</p> <p>22 Okay. If I were to ask you, sir, what you 23 had to drink in the 48 hours before the collision, do 24 you have any recollection of that?</p> <p>25 A Water or juice, something like that.</p>	<p style="text-align: right;">Page 111</p> <p>1 time in a long while that you had --</p> <p>2 A No.</p> <p>3 Q -- ventured so far south?</p> <p>4 A No. No.</p> <p>5 Q Well, you previously drove for this other 6 company a year or so before you started for the -- 7 the HL Motor Group.</p> <p>8 A Uh-huh.</p> <p>9 Q So had you driven down in this part of 10 the -- part of the world in the summer heat?</p> <p>11 A Yeah, I have, but -- I have, but, you know, 12 you -- being from -- driving, I would say, from 13 Canada, you -- you always notice a difference, 14 obviously. And, you know, older equipment, it -- the 15 air conditioning is never as good as it should be, 16 so, you know, you notice the heat obviously.</p> <p>17 Q Yeah. Do you remember thinking -- and this 18 was your first trip for HL Motor Group. Do you 19 remember thinking that the -- that the air 20 conditioning is not as good as it should be or you 21 would like it to be?</p> <p>22 A Yes, but it's -- with any older equipment, 23 never is that -- what you want it to be.</p> <p>24 Q Right. So -- so you -- would you consider 25 yourself a professional truck driver?</p>
<p style="text-align: right;">Page 110</p> <p>1 Q And I -- I detect in your answer that 2 you're -- you're guessing at that kind of based on 3 your norms?</p> <p>4 A Yeah.</p> <p>5 Q Yeah. So would you be able, for example, 6 to tell us how much water, how much juice, how much 7 Gatorade?</p> <p>8 A No.</p> <p>9 Q Regarding your practices, would -- would it 10 be your practice -- if you -- if you pulled over to 11 get something to drink, would -- would it be your 12 practice to buy, like, I don't know, a case of water, 13 a case of Gatorade, a --</p> <p>14 A Yeah. Yeah. Always. Always. There's 15 some on the side, so, yeah, always. How many depends 16 on the day, you know. I remember that day was pretty 17 hot, so --</p> <p>18 Q Okay. What -- and I predict you are not 19 wrong. August in Oklahoma, August in Joplin, 20 Missouri, I -- I predict it was really hot. But 21 what -- what causes you to remember that it was a 22 really hot day?</p> <p>23 A It's down south and coming back from up 24 north, I would say that -- that it was pretty hot.</p> <p>25 Q Is this the first time -- is this the first</p>	<p style="text-align: right;">Page 112</p> <p>1 A Yeah.</p> <p>2 Q And you understand that you're operating a 3 multi-ton piece of equipment that can cause serious 4 injury, damages and --</p> <p>5 A Yes.</p> <p>6 Q -- you know, death and mayhem, right?</p> <p>7 A Obviously.</p> <p>8 Q And so to the extent that it's hot, you're 9 in older equipment, maybe there's some air 10 conditioning issues, maybe you're not drinking as 11 much as you're supposed to, you understand that it's 12 your job to stay hydrated while you drive?</p> <p>13 A Yes.</p> <p>14 Q And that if it's not safe to drive because 15 you're dehydrated or because your equipment lacks 16 sufficient air conditioning, it's your job to pull 17 over until those situations can be remedied, right?</p> <p>18 A I would agree with you there.</p> <p>19 Q All right. You can't just keep driving if 20 you're dehydrated or hot and tired. You understand 21 that?</p> <p>22 A Yes.</p> <p>23 Q Because if you do, accidents like this can 24 happen. Agree?</p> <p>25 A Agree.</p>

28 (Pages 109 to 112)

Ognjen Milanovic

March 15, 2023

<p style="text-align: right;">Page 113</p> <p>1 Q All right. So since this accident occurred</p> <p>2 in August of 2020, other than whatever medical</p> <p>3 providers you saw at the hospital immediately</p> <p>4 afterwards, has any physician identified to you what</p> <p>5 caused you to run off the roadway?</p> <p>6 A No.</p> <p>7 Q And I want to stop and talk about that now.</p> <p>8 So -- so in responding to some of Mr. Pignato's</p> <p>9 questions I heard you say different things, and we</p> <p>10 need to pin you down because this is an important</p> <p>11 issue in the case. Okay?</p> <p>12 A Nothing to tell me 100 percent, so --</p> <p>13 Q I -- I understand, but let's do what we can</p> <p>14 here. Okay?</p> <p>15 A Okay.</p> <p>16 Q So you mentioned in -- in one of your</p> <p>17 answers to Mr. Pignato earlier that -- that someone</p> <p>18 at -- I think you said "at the hospital," but I want</p> <p>19 to clarify. I want to be fair to you.</p> <p>20 A Yeah, to the best of my recollection.</p> <p>21 Q Yeah, somebody at the hospital said that</p> <p>22 you could have been fatigued or dehydrated.</p> <p>23 A Yes.</p> <p>24 Q Do you recall saying that?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 115</p> <p>1 A Yes.</p> <p>2 Q You shouldn't keep driving if you're</p> <p>3 fatigued and dehydrated to the point that you lose</p> <p>4 consciousness and run off the roadway, right?</p> <p>5 A Correct.</p> <p>6 Q And if that's what occurred here, you would</p> <p>7 agree the accident would be your fault, and by</p> <p>8 extension, the fault of HL Motor Group. Agree?</p> <p>9 A I wouldn't -- I didn't feel that way so I</p> <p>10 don't know how I can agree with that.</p> <p>11 Q Well, when you say you didn't feel that</p> <p>12 way, you've kind of said some different things here</p> <p>13 today. You've -- you've indicated you don't remember</p> <p>14 that day at all. Okay? You've said that many times</p> <p>15 throughout the deposition.</p> <p>16 You've also said that -- that -- that you</p> <p>17 remember needing to take your break, that you felt</p> <p>18 like you were looking for your next break stop,</p> <p>19 right?</p> <p>20 A Yes, that is -- I remember the -- wanting</p> <p>21 to pick the break.</p> <p>22 Other than that, meaning the day,</p> <p>23 significant parts of it, meaning what happened there,</p> <p>24 that, I do not remember.</p> <p>25 Q Right. So --</p>
<p style="text-align: right;">Page 114</p> <p>1 Q And -- and was that a physician there at</p> <p>2 the OU Medical Center where you were taken?</p> <p>3 A I don't recall who it was. I talked to</p> <p>4 many people and I was groggy, so, yeah, I don't</p> <p>5 remember.</p> <p>6 Q And then you also said, in response to one</p> <p>7 of Mr. Pignato's questions, that -- that someone at</p> <p>8 the hospital may have said you had a sudden loss of</p> <p>9 consciousness, right?</p> <p>10 Now, you would agree with me those are --</p> <p>11 those are two different -- I suppose they could be</p> <p>12 two different things, right?</p> <p>13 A Yes.</p> <p>14 Q If you're fatigued and dehydrated, I</p> <p>15 suppose you could pass out and lose consciousness,</p> <p>16 right?</p> <p>17 A Yes.</p> <p>18 Q But fatigue and dehydration would be</p> <p>19 something within your control. You agree with that?</p> <p>20 A Sure.</p> <p>21 Q All right. If you're feeling dehydrated,</p> <p>22 if you're feeling fatigued, it's time to pull over</p> <p>23 and stop driving. Agree?</p> <p>24 A Uh-huh.</p> <p>25 Q Yes?</p>	<p style="text-align: right;">Page 116</p> <p>1 A The only thing I remember is I was planning</p> <p>2 on stopping at some point.</p> <p>3 Q All right. But --</p> <p>4 A That's the only thing I remember. I don't</p> <p>5 remember being fatigued or thirsty or anything like</p> <p>6 that. I really do not.</p> <p>7 Q Okay. But you also don't remember the</p> <p>8 reverse of that. You don't remember feeling, "Hey,</p> <p>9 I'm not fatigued. I feel great. Life is good, I</p> <p>10 could keep going for another 500 miles." You don't</p> <p>11 remember feeling that, either, right?</p> <p>12 A I have never felt that in my life, no.</p> <p>13 Q Okay. Well, I'm just trying to figure out,</p> <p>14 are -- are you saying you were not feeling fatigued</p> <p>15 or you were not dehydrated, or are you simply saying</p> <p>16 you don't recall feeling either of those things?</p> <p>17 A I don't -- if I had felt that, which I have</p> <p>18 in the past, I would have done something about it,</p> <p>19 but I don't remember feeling that.</p> <p>20 Q And the something you would have done about</p> <p>21 it would be look for a place to pull over and take a</p> <p>22 break, right?</p> <p>23 A Yeah, there's always somewhere close by.</p> <p>24 Q Okay. And, in fact, that's the last thing</p> <p>25 you remember is looking for a place to pull over and</p>

29 (Pages 113 to 116)